PAMUN XVIII RESEARCH REPORT— REDEFINING THE ROLE OF THE INTERNATIONAL COURT OF JUSTICE

Introduction of Topic

In accordance with Article 33 of the United Nations Charter, the International Court of Justice (ICJ) has functioned as the principal judiciary branch of the UN ever since its creation in June 1945, offering nonviolent methods of dispute settlement between its member states. Based in the Peace Palace in Hague, Netherlands, the ICJ currently stands as a principal organ of the UN alongside the General Assembly, Security Council, ECOSOC, the Trusteeship Council (ceased operations) and the Secretariat, adjudicating legal disputes between member states and offering its advice and opinions when deemed necessary.

However, ever since its creation, the ICJ has been subject to criticism from numerous individuals, organizations and countries who point to major and minor flaws in the court's authority, impartiality and efficacy. As it is the mission of the Sustainable Development Goals (SDG) to promote effective and accountable institutions to further strengthen peace and justice worldwide (Goal 16), the role and functions of the Court should be revisited and its role redefined for the betterment and sustainability of our future.

Delegates should be aware during their preparations that there are two separate documents that should be addressed: the Statute of the Court (1945) (Appendix I) and the Rules of the Court (1978) (Appendix II). While the former deals with aspects such as the organization and jurisdiction of the court, the latter provides specific procedures to follow when executing activities authorized by the former.

Definition of Key Terms

Treaties, International Conventions, International Custom and General Principles of Law

As stated under Article 38(i) of the Statute of the ICJ, the court is only allowed to apply: " a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting states, b) international custom, as evidence of a general practice accepted as law, c) the general principles of law recognized by civilized nations" when evaluating legal issues between its member states".

A treaty is defined as "an International agreement concluded between states in written form and governed by international law" by the Vienna Convention on the Law of Treaties (1969). Often it is

interchangeably used with terms such as conventions, agreements, pacts, etc. A treaty is by its nature considered “hard law”, meaning that it carries legally binding force. However, not all treaties are considered as source of law in the ICJ. Article 38 explicitly states “international conventions”, thus implying that for a treaty to be considered in the court as a legitimate source of law than a mere form of obligation amongst its signatories, it must have a wider spectrum of effect or consequences even on non-party states. For example, while some countries decide not to sign or ratify a convention, the treaty provisions most often form the basis of customary International law. Such examples are International Convention on the Elimination of All Forms of Racial Discrimination (1966), the Geneva Conventions for the Protection of War Victims (1949), Conventions on the Right of the Child (1989), and United Nations Framework Convention on Climate Change (1992),

International custom, defined as “general practice accepted by law” in the Statute of the Court, consists of two elements: the actual practice of the states and the acceptance by states of that practice as law. The former is evaluated by its duration, consistency, repetition and generality amongst states. In the *North Sea Continental Shelf Case* in 1969, the ICJ upheld that state practice should be of “constant and uniform usage” or be “extensive and virtually uniform” and must have “occurred in such a way as to show a general recognition that a rule of law or legal obligation is involved” to be admissible as international custom. Once a practice has been accepted as custom, it becomes a binding practice, one that is accepted as *opinio juris sive necessitatis* (“opinion that an act is necessary by rule of law”)

General principles of law refer to fundamental principles that underly judicial knowledge and beliefs. Few examples are good faith between member states to uphold legal obligations, the notion that a breach of an engagement requires reparations, and the principle of equity.

Compulsory Jurisdiction

As Article 36 of the Statute of the Court proclaims, state parties may “at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court”. Likewise, states who file such declarations recognize the compulsory jurisdiction of the ICJ and consent to the court litigating disputes concerning them that have been brought to the court without any objections. Moreover, any state that have recognized the compulsory jurisdiction of the court is authorized to bring any one or more states that have done the same before the court.

Contentious Cases

Contentious case is an ICJ procedure in which the court delivers a legally binding judgement between states who have presented themselves before the court and agreed to submit to its ruling. Only states, which excludes individuals, NGOs, enterprises, etc., may participate in this procedure.

Advisory Opinion

Advisory opinion is an ICJ procedure in which the court delivers a **non-binding** judgement on an issue that has been referred to them by the United Nations General Assembly (UNGA) or Security Council (UNSC). Other UN agencies may also do so only when they've been authorized by the UNGA.

Background Information

Brief history of international arbitration and the International Court of Justice

The creation of the court is significant in that it represented the culmination of a long process of developing methods of international arbitration.

Hague Peace Conferences and the Permanent Court of Arbitration (PCA)

During the mid-19th century, prior to the establishment of the PCA, there had been a general practice amongst states, especially from the United States and United Kingdom, to insert certain clauses in treaties that called for specific arbitral procedures in the event of a dispute between the involved parties surrounding the interpretation of their agreement. As the use of such temporary tribunals grew increasingly popular, there were also continuous effort to construct general laws of arbitration and repeated proposals for the creation of a permanent international tribunal to further strengthen such practices.

In 1899, the first Hague Peace Conference took place under the initiative of Russian Czar Nicholas II. The conference concluded in the adoption of the Convention on the Pacific Settlement, which created the PCA, a mechanism that would facilitate the settlement of disputes between signatory states through arbitral tribunals. The PCA consisted of a panel of jurists where each state was allowed to designate up to 4. When the occasion arose, the arbitral tribunals would then be selected from this pool of jurists and convened for litigation.

While the PCA did have significant contribution to the development of International law, it wasn't without crucial flaws. Firstly, the composition of the arbitral tribunals that differed for every case made it difficult to develop a consistent approach to international law. Moreover, party states weren't obliged to submit their disputes to arbitration or follow the rules of procedure laid down in the conventions.

In 1907, the second Hague Peace Conference took place. While there had been strong proposals from the US and UK to create a permanent tribunal composed of judges who would fully devote their time to trials and judicial decisions on inter-state disputes, an agreement was not reached due to difficulties with finding an acceptable method for the selection of the judges.

Although nothing substantial was produced from this conference, the proposals later became the foundations for the drafting of the Statute of the Permanent Court of International Justice (PCIJ).

The Permanent Court of International Justice (PCIJ)

Following the creation of the League of Nations, the Statute of the PCIJ was adopted in September 1921. Unlike the PCA, the PCIJ provided for a permanent group of judges that worked together to arbitrate International disputes. While the creation of the PCIJ was issued by members of the council, the court was never an integral part of the League, as the statute and the covenant stood independent of each other.

The PCIJ led to great strides in the development of International law. The court was able to gradually develop a continuity in its decisions that were made based on a specific list of sources of law that eliminated potential prejudice in a case. The PCIJ was also empowered to deliver advisory opinions upon any disputes that have been referred to it by the League of Nations Council or Assembly. The PCIJ soon became active in the international stage, delivering judgements on 29 contentious cases and 27 advisory opinions.

Creation of the ICJ

Inevitably, with the onset of WWII, the PCIJ practically ceased its operations. However, following the termination of the war, repeated proposals were submitted by China, USSR, US and the UK to establish a “general international organization, based on the principle of the sovereign equality of all peace-loving States, and open to membership by all such States, large and small, for the maintenance of international peace and security” (proposal submitted in October 1943 by China, USSR, UK, and US). There were numerous reasons behind why the nations had wanted the establishment of a completely new court, few of them being that if the organization was to serve as the judicial branch of the UN, it seemed inappropriate for that role of be filled in by the PCIJ given its connection to the League of Nations. Moreover, there was a general sentiment amongst member states that the PCIJ represented an older world older in which European states had dominated the political stage, feeding the belief that the creation of a new court would facilitate states outside of Europe to assume a bigger role in international affairs. Consequently, along with the United Nations Charter, the Statute of the ICJ was created and ratified in June 1945. The structure of the ICJ was significantly based on that of the PCIJ. For example, Judge José Gustavo Guerrro, the last President of the PCIJ was elected the president of the ICJ while many of the members of the new court were former officials of the PCIJ. Nevertheless, the key difference was that the statute of the ICJ was actually integrated into the UN charter and thus all states that were party to the UN were automatically party to the court.

Members of the Court of ICJ: election and compositions

The ICJ consists of a total of 15 judges who are elected to nine-year terms by the UNGA and UNSC concurrently but independently. For a candidate to be elected, he/she has to receive an absolute majority of votes in both bodies. As set out in Article 14 of the Statute of the Court, 1/3 of the court is elected every three years and judges are eligible for re-election without limit. The candidates for the judges are proposed by the constituent jurists of the PCA of each state parties. Each state parties is allowed to recommend up to 4 judges, although only 2 of them may be of the same nationality. For countries who aren't part of the PCA, candidates are selected by a group constituted in the same way.

Although the election method of judges may be shaped as thus, once appointed, judges are neither a delegate or a representative of his or her home country. Unlike most organs of the United Nations, the ICJ does not consists of representatives of governments. In fact, before taking up any duties, judges of the court are mandated to make a solemn declaration in open court that they will exercise their power impartially and conscientiously.

While there are no formal rules of judges allocation across different countries, the general trend has shown an established practice where the five permanent members of the Security Council are each given permanent seats in the court. The rest of the seats have been distributed very much like the composition of the Security Council: three to Asia-Pacific, two to African, two to Latin America and the Caribbean, two to Eastern Europe and five to Western Europe.

The ICJ also entertains the use of ad hoc judges who are appointed by the involved state party who do not have a judge of its nationality on the bench. As stated in Article 35 to 37 of the Rules of the Court, the state may choose one judge to sit as ad hoc for that specific case. The purpose behind this practice is to involve judges who are more familiar with the views of one party than the other regular judges.

Jurisdiction of the ICJ

As the ICJ previously concluded in the case between Democratic Republic of Congo and Rwanda, the basis of jurisdiction of the court is always based on the consent of the parties in respect of the United Nations sovereignty principle. The states' consent to the court's jurisdiction can be expressed by states in the following manners:

Special Agreement

As stated under Article 39 and 40 of the Rules of Court, countries may enter in a special agreement to refer their dispute to the International Court Justice. In their special bilateral application, both parties are required to summarize the issue of their conflict and indicate their acceptance of the court's jurisdiction and their compliancy with the court's ruling. In cases such as this, the countries are simply referred as "counsel " instead of applicant or respondent, since both are neither. So far, 17 cases have been entertained from applications through special agreements.

Jurisdictional Clause in Treaties

As stated before, it has been and still is a popular practice for states to include a jurisdictional clause in their treaties that refer disputes arising from the interpretation of the agreement to the ICJ. Treaties that previously referred to the PCIJ will be transferred to the ICJ as stipulated in Article 37.

Compulsory Jurisdiction

If a state has recognized the court's compulsory jurisdiction and so has the respondent state, the jurisdiction of the court automatically applies regardless circumstances. The nature of cases that compulsory jurisdiction can apply are outlined in paragraph 2-5 of Article 36 of the Statute and are: "a) interpretation of a treaty, b) the question of international law, c) the existence of any fact, which, if established, would constitute a breach of international obligation, d) the nature or extent of the reparation to be made for the breach of an international obligation". However, states can restrict the nature of their acceptance of the court's compulsory jurisdiction and may retract their declaration. For example, the United States had previously accepted the court's jurisdiction only for cases that did not concern issues related to national security before completely pulling out in 1985. There had initially been a proposal in 1945 to make compulsory jurisdiction for ICJ universal; however, this was not successful due to objections of the US and the USSR.

Forum Prorogatum

If a state has not recognized the jurisdiction of the Court when an application is filed against it, it may still do so to allow the Court to exercise its jurisdiction as of the date of acceptance. This is known as the *forum prorogatum* rule.

Preliminary Objections

However, if a state refuses to recognize the court's jurisdiction, it may file preliminary objections to an application. Such objections can be based on variety of factors such as the court's lack of jurisdictional right, inadmissibility of the case in a legal setting, or the denial of an existence of a dispute. As Article 36 (6) proclaims, the issue of whether the court is given jurisdiction or not when such disputes arise is resolved by the decision of the court. By far, preliminary objections have been raised in 45 cases and questions about the court's jurisdiction or the case's admissibility have been raised in 20. If the court decides to reject the respondent's preliminary objection, the respondent is then required to present themselves before the court.

Obligations of the Judgement Delivered by the Court

Member states are obligated to uphold judgements delivered by the court in contentious cases, as stated in Article 94 of the UN charter. If a state finds that its opposing counsel has not fulfilled the obligations

set out by the decision of the court, it is empowered to present the issue at the Security Council, who if deemed necessary, will “make recommendations or decide upon measures to be taken to give effect to the judgement”.

Third Party Intervention In a Case Before the Court

If a third party state who is neither the applicant or respondent feels as if its interests are being affected by a certain case, it may file for an intervention, as permitted by Article 62 and 63 of the Statute of the Court. Whether the application may be successful or not is decided by the ICJ. However such occurrences have been rare and the ICJ has been relatively restrictive.

Provisional Measure of Protection

Very much like an interim measure, when an applicant feels that its fundamental rights or security are threatened by immediate acts of aggression, it may request for a provisional measure of protection from the ICJ. Such applications, given its urgency, will take priority over all other contentious cases. The applicant’s interests and rights will be then protected under international law until the court delivers a final decision. By far, the ICJ has issued 38 provisional measures. For example, during the current case between Iran and United States regarding the alleged violation of the Treaty of Amity by the latter party, the Iranian counsel petitioned the ICJ for provisional measures which contained a request for the Court to order the suspension sanctions and any restrictive measures. However, whether these sanctions will be permitted by the Court will depend on the events that transpire in the following months

Advisory Opinions

Currently, 5 organs and 16 agencies of the UN have been authorized by the UNGA to solicit the advisory opinion of the ICJ on certain legal issues. ECOSOC, ILO, WHO and UNESCO are all examples of authorized agencies. When the court receives such requests, it draws up a list of states permitted to participate in the proceedings of the court. The ICJ is authorized to make advisory opinions binding, as authorized by the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, but such cases are extremely rare. Nevertheless, while advisory opinions aren’t binding, they still have significance in that they reflect the view of the court regarding important issues of international law and thus carry limited moral authority.

Major Countries and Organizations Involved

United Nations General Assembly (UNGA) & United Nations Security Council (UNSC)

The UNGA and UNSC give both direct and indirect contributions to defining the role of the International Court of Justice, with all three branches being empowered by the UN Charter. The UNGA

and UNSC are both responsible for the election of the judges of the court. For a candidate to be elected, he/she has to receive a vote of absolute majority in both bodies. Moreover, only the UNGA, UNSC and UNGA-approved agencies are authorized to refer advisory opinions to the ICJ. Also, UNSC provides an enforcement mechanism for ICJ judgements, as it, “if deemed necessary”, is responsible for acting upon the failures of member states to fulfill its obligations set out by the court.

Permanent Court of Arbitration (PCA)

While the PCA has no affiliations with the United Nations, it is still involved in the judges selection mechanism of the ICJ in that the candidates for the judges for each member states are selected amongst the jurists of their respective nationality groups in the PCA. It currently holds an observer status in the UN and like the ICJ, is also based in the Peace Palace as the oldest institution for international dispute arbitration. A key difference between the PCA and the ICJ lies in the fact that the former allows organizations, such as national banks and enterprises, and supranational organizations such as the European Union to represent themselves in court. Consequently, interstate conflicts are more often sought in the ICJ, while issues that pertain to other categories, such as investor-state conflicts are resolved in PCA. Perhaps, this is what had enabled the PCA to survive even after the creation of the PCIJ and ICJ.

Timeline of Events

Date	Description of event
November 19th, 1794	Jay’s Treaty between UK and US that created the first forms of international tribunals
1871	Under the Treaty of Washington, the US and UK agrees to submit to arbitration by the former for alleged breaches of neutrality by the latter during the American Civil War
May 18th - July 29th 1899	First Hague Peace Conference
June 15th - October 18th 1907	Second Hague Peace Conference
July 28th 1914 - November 11th 1918	First World War
January 10th 1920	Creation of the League of Nations
September 1921	Creation of the PCIJ

1922 - 1940	Active period of the PCIJ (29 contentious cases and 27 advisory opinions)
September 1st 1939 - September 2nd 1945	Second World War
June 26th 1945	Signing of the UN Charter & Statute of the Court
April 1946	Official dissolution of the PCIJ
July 1st 1978	Rules of Court entered into force
June 27th 1986	Case Concerning the Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States of America)
February 27th 1998	Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom)
April 14th 2005	Amendments to the Rules of Court

Relevant UN Treaties and Events

- Convention for the Pacific Settlement of International Disputes, 1907
- Statute of the Permanent Court of International Justice, 8 October 1921
- United Nations Charter & Statute of Court, 26 June 1945
- Convention on the Privileges and Immunities of the United Nations, 13 February 1946
- Rules of Court, July 1st 1978
- Vienna Convention on the Law of Treaties (VCLT), 27 January 1980, **(A/CONF.39/11/Add.2)**

Main Issues

Lack of authority

Limited Jurisdiction of the Court

According to the United Nations sovereignty principle, all nations are equal and no higher entity can force them to comply with international law. Nevertheless, ICJ has similar authorities given to Security Council, as it is a judicial organ that can create legal obligations for its member states. In compromise, the ICJ is prevented from coercing states to agree to the court's jurisdiction when called upon.

Member states have been encouraged to file declarations accepting the court's compulsory jurisdiction; however, currently, only 73 members states have done so, and the United Kingdom stands as the only P5 nation to have done so (this being rather recent in December 31st, 2014), thus limiting the authority of the court. Moreover, any state can file a declaration withdrawing their acceptance of the compulsory jurisdiction of the court.

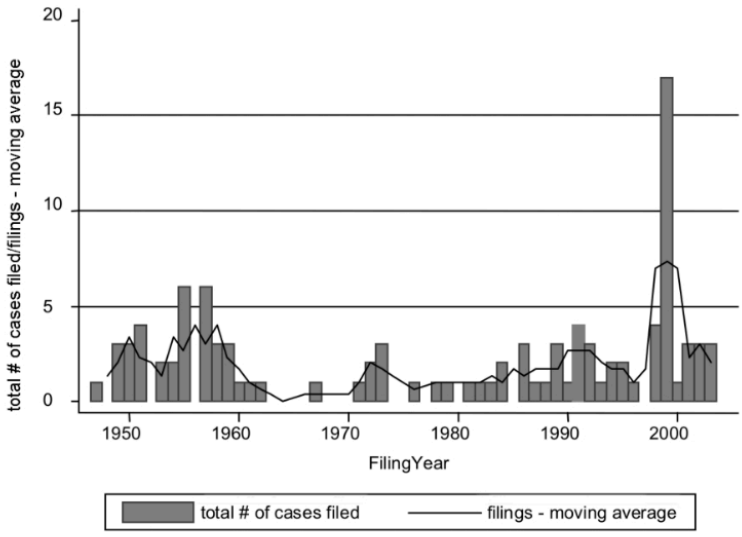

Figure 1. Filings in the International Court of Justice

In fact, according to research conducted by Eric Posner (Appendix III), a professor at the University of Chicago Law School, from the 114 cases that have been submitted to the ICJ, 1/4 of them have been dropped before arriving at a substantial decision, primarily due to objections of states and withdrawal of the applicant during the written proceedings of the court.

Lastly, only states are permitted to bring their issues before the court. Organizations, individuals, enterprises cannot pursue legal proceedings against states, nor are ethnic minorities or indigenous people who may be victim to crime against humanity authorized to present themselves before the court.

Relationship with the Security Council & Advisory Opinions

As the ICJ can only settle on issues where both states have agreed to the court's jurisdiction, the more serious or imperative conflicts are brought to the Security Council, thus limiting the significance of the cases that ICJ deals with.

Moreover, while the two branches supposedly stand equal in authority, as precedence shows, the ICJ has been reluctant to deliver judicial review on previous security council decisions that have been presented to it by member states. In turn, the ICJ's role as the principal judicial branch is restricted. For example, in February 1998, a case was brought by Libya against the UK

and US respectively concerning the crash of the PanAm Flight 103 over Lockerbie, Scotland that was allegedly caused by two Libyan terrorists indicted by the Grand Jury of the District of Columbia in November 1991. Libya had claimed the act was unlawful according to the 1971 Montreal Convention. Meanwhile, following the issuing of the case, the UNSC had imposed economic sanctions on Libya for its alleged involvement in terrorist activities. The United States raised preliminary objections to the court's jurisdiction based on the argument that even if the Montreal Convention did side for Libya, such rights should be denied as they're superseded by UNSC resolutions and that subsequently, their application has become 'moot'. Libya responded by raising the claim that the Security Council resolutions were approved after the filing date of the application. Nearly after six years, in 1998, the Court finally reached its decision on the preliminary objections and voted 12 against 3 to the objections of the US, based on the same grounds that Libya had presented. Concerning the issue of 'mootness' of the Libyan application, the ICJ evaded the question by its silence. The issue was later discontinued as Libya withdrew its application. Overall, the approach of the court has been described as cautious by many experts. Evidently, the questions surrounding the judicial review of Security Council resolutions were dealt only by implication and were left completely open by the court.

It has also been the opinion of some experts that the use of advisory opinions as an "instrument for preventive diplomacy" further undermines the authority of the court, as it frames it as an organization that recommends rather than acts.

Lack of impartiality: Bias voting by judges

There have been numerous research and studies that have criticized the impartiality of the ICJ judges and accused them of bias voting. The previously mentioned study conducted by Eric Posner drew statistical information from previous ICJ cases and the judges' votes, which led him to the findings that whereas judges vote in favor for a party about 50% of the time when they share no specific relationship, the figures rise to 85 to 90% when the party is the judges' home state. He also concluded the bias voting extends beyond the judges' home party, claiming that when their home party is not involved, judges tend to favor the states who appoint them and are the most similar to their states in terms of wealth level, culture or political regime. Posner states in his conclusions that whether judges are conscious of their bias voting is unclear, but as an explanation for such phenomenon, he points to the nomination method of the judges that he claims is heavily politicized. He states that the process leads judges to develop psychological and economic attachment to their home party or the state that has nominated them. For example, he states that despite best intentions, the ICJ judges are not only nationals, but have also spent their careers in national services as legal advisors, jurists, and politicians in the states that they have been nominated by. Moreover, they may also be motivated by other material incentives as judges who go against their governments are likely to be penalized and may lose their opportunity of re-election. Posner states that such effects seem to weigh more heavily in cases of authoritarian states. However, such studies should be viewed under skepticism as it is hard to conclude to what extent are their results

statistically significant, as each ICJ cases have their peculiarities that are not represented in the numbers.

Consequently, there are also number of people who speak against the use of ad hoc judges, as they claim that in reality, they only vote for their own country, irrespective of the majority opinion and thus undermine the impartiality of the court. They also argue that it goes against the principle that judges aren't delegates of their own governments.

Lack of efficacy: flaws in its enforcement mechanism

As stated under 'background information', when a party feels that its opponent has not fulfilled its obligations fixed by the ICJ judgement, it may bring the matter to the Security Council. However, there are major flaws with this enforcement mechanism that seriously restrict the court's efficacy, and thus, credibility. Firstly, the Security Council is not obliged by the UN charter to take in matters that originate from the ICJ and no method is provided for the concerned state that brought up the issue to ensure that the council addresses it. Furthermore, the most effective form of action in the Security Council is the coercive action authorized under Chapter VII of the UN charter that can be justified only if international peace and security are at stake. Not all ICJ cases apply to such premises.

Moreover, there has been wide criticism that the current system allows the P5 nations unparalleled power in the ICJ. For example, in 1986, Nicaragua pursued proceedings against the United States for the mining of its ports and harbors by the CIA as a breach of numerous treaties and general principles of international law. In opposition the US, who at the time had agreed to the compulsory jurisdiction of the ICJ, argued that the court does not have jurisdiction on treaties. However, the ICJ ruled against the US, requiring them to compensate for the damages they'd caused. The US, ensuing the court's decision, pulled out of compulsory jurisdiction and when the case was brought to the Security Council, vetoed against the decision of the body. Although there hasn't been similar cases since, it is still significant in that it demonstrated the imbalance of power in the court and the weaknesses of the court's compulsory jurisdiction. In fact, according to statistics provided by Ginsburg and McAdams, 2004, compliance with ICJ judgment lies between 60 and 75%.

Relationship with the International Criminal Court (ICC)

The ICJ forms a dualistic structure with the ICC. The former deals with disputes between states while the latter judges criminals or individuals for International crimes such as genocides, crimes against humanity and war crimes. Unlike the ICJ, the ICC is independent of the United Nations, but like the former, often works in relationship with the UNSC. There have been numerous suggestions for the court to build a better and more coherent relationship with the ICC to deliver more effective and collective judgements.

Previous Attempts to solve the Issue

Compulsory Jurisdiction

In 1966, it was argued at the United Nations Special Committee on Principles of International Law concerning Friendly Relations and Co-operation amongst States that ICJ should be given universal compulsory jurisdiction over matters. However, none of such attempts have been successful. An explanation may be the unwillingness of the more powerful nations to yield to ICJ jurisdiction.

Amendments in 2005 to the Rules of the Court

In April 14th, 2005 several amendments were introduced to the Rules of the Court. Most notably, Article 43 did provide a method for which international organizations or non-state entities to be involved in the proceedings of the court. The particular amendment allowed the court to seek observations of organizations that were party to a convention in question.

Possible Solutions

In this year's PAMUN conference, delegates are expected to write specialized clauses, which should later amount to a coherent resolution with each of them addressing a specific aspect of the topic. When writing their clauses, delegates are to focus on a specific aspect or a "specialized topic" of the general issue that are outlined by 'major issues' and 'possible solutions' of this report. During your conference, chairs will deliver their delegates with more specific instructions. However, please keep in mind that these ideas do not in any way set restrictions for debate. Moreover, each solutions has both its benefits and disadvantages that delegates should thoroughly consider.

Empowering the ICJ to an Equal Status with the Security Council

• providing a better enforcement mechanism for ICJ judgments. Perhaps, the enforcement can be exclusively in the power of the ICJ or be decided by voting in the General Assembly in cases that finds a member of the Security Council guilty.

- clearly establishing (or choosing not to) the power of juridical review of the ICJ even on Security Council decisions

etc…

Expanding the Jurisdiction of the ICJ

- expanding the compulsory jurisdiction of the court. There are various ways to do this, for example, one could set a certain time period during which a state is not permitted to withdraw their declaration or the court could provide more incentives for states to actively agree to compulsory jurisdiction.

- although radical and contrary to the original intentions of the court, the admissibility of international organizations or enterprises into court can be considered under special circumstances. However, delegates should keep in mind that this will create many practical and legal difficulties, such as the expansion of an unbearable case load, increased difficulties of enforcing judgements, jurisdiction issues over individuals, or the imbalance of power in a case between a state and an individual.

Fixing the impartiality of the court

- can rethink the method through which the judges are elected, as many views it as a highly politicized process

For Further Inquiry

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William Samore, Vol. 34: Iss. 3 Article 1 Chicago-Kent Law Review: National Origins v. Impartial Decisions: A Study of World Court Holdings 198-99, 203-05

Appendix or Appendices

I. Statute of the Court (1945) <http://www.icj-cij.org/en/statute>

II. Rules of the Court (1978) <http://www.icj-cij.org/en/rules>

III. Is the International Court of Justice Biased? by Eric Posner and Miguel F. P. de Figueiredo <http://www.ericposner.com/Is%20the%20International%20Court%20of%20Justice%20Biased.pdf>